

agencies capable of producing such effects, and requested that the libels include charges that the statements were false and fraudulent. These statements were as follows: (Novak's Female Drops, bottle label) " * * * Female * * * "; (carton) " * * * Female * * * An excellent preparation for irregular, painful or delayed menstruation. Recommended for both single and married women * * * [in general, on carton, similar statements appear in foreign language] "; (Novak's Oil, bottle label) "A Whip for Pain A preparation for Rheumatism, Pain in the Back, Lameness, Swelling, Stiff Joints, Stiff Neck, * * * Toothache and all ordinary pains"; (carton) "A Whip for Pain * * * For Rheumatism, Pain in the Back, Lameness, Swellings, Stiff Neck, Stiff Joints, * * * Toothache, and all ordinary pains. * * * For Rheumatism, Pain in the Back. Lameness, Swellings, Stiff Joints, Stiff Neck * * * Toothache and all ordinary bodily pains * * * [in general, on label and carton, similar statements in foreign languages] "; (Komet, circular) "A Whip for Pain For Rheumatic Pains * * * For Stiff Neck For Backache For Swellings * * * For Every ache and pain * * * watch it dig into the ache or pain and pull the trouble out. * * * Use Komet and enjoy perfect health. * * * For Rheumatism * * * Sciatica Lumbago * * * Stiff Neck * * * [in general, similar statements appear in foreign language]."

On August 29, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24068. Adulteration and misbranding of tincture of belladonna. U. S. v. Fifteen 1-Pint Bottles of Tincture Belladonna USP. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33239. Sample no. 4271-B.)

This case involved an interstate shipment of tincture of belladonna, which contained alkaloids of belladonna in excess of the maximum provided in the United States Pharmacopoeia.

On August 8, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 pint bottles of tincture of belladonna at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about July 16, 1934, by the Abbott Laboratories, from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tincture Belladonna USP * * * standardized to contain 0.027 to 0.033 grams total alkaloids in hundred CC."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia and its own standard was not correctly stated on the label.

Misbranding was alleged for the reason that the statements on the label, "Tincture Belladonna USP * * * standardized to contain 0.027 to 0.033 grams total alkaloids in hundred CC", were false and misleading.

On November 23, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24069. Misbranding of Dietene. U. S. v. 170 Jars of Dietene. Default decree of destruction. (F. & D. no. 33246. Sample no. 3387-B.)

This case involved an interstate shipment of Dietene which was misbranded because of unwarranted curative and therapeutic claims appearing in the labeling, and because of false and misleading claims relating to its effectiveness as an aid in reducing.

On August 20, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 jars of Dietene at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 5 and July 16, 1934, by the Dietary Foods Co., Inc., Minneapolis, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of dried milk, malt extract, sugar, wheat germ, wheat bran, cacao powder, and salt, flavored with vanilla.

The article was alleged to be misbranded in that the following statements, appearing in the labeling and indicating that the article would effect reduction of weight, were false and misleading, since it would not produce such an effect: (Front label, on some of the packages) "Dietene reduces correctly"; (back label, on all of the packages) "Dietene reduces over-weight promptly and surely because by it the day's Calories are cut about one-third. * * * Dietene is a reducing diet of pure foods in concentrated form which has a number of distinct advantages over bulk food diets. * * * It embodies all the reducing diet principles used by the nutritional experts in the professional field. * * * The full regular main meal provides necessary bulk and the essential carbohydrates for proper burning of the fats which the body is giving off during the relatively rapid reducing which Dietene accomplishes. The Dietene-diet is economical, as it only costs one-third or one-half of regular meals it replaces. It positively contains no * * * salts * * * Directions for use Whip, beat, or shake in a covered jar 4 big heaping teaspoonsful of Dietene with an ordinary glass of water. This constitutes a complete reducing-diet meal. Replace usual breakfast and lunch with Dietene—or lunch only if slow reduction of weight is desired"; (circular accompanying all packages) "Dietene Reduces Correctly * * * What Is Dietene? Dietene is a protective low-calorie food, formulated by specialists in nutrition, for healthful and simplified weight reduction. * * * Dietene, of course, meets all state and federal pure-food requirements. * * * Dietene is accurately proportioned to insure nutritional balance throughout the Dietene reducing program. * * * The Dietene Reducing Program * * * Sure * * * Nothing could be more * * * sure, and a Dietene meal * * * constitutes a complete substitute for all other food. * * * Does It Appeal To Those Who Are Over-Weight? Decidedly so. Dietene meals can be taken * * * far removed from food centers with * * * fattening dishes. If you will replace your breakfast and lunch with Dietene, you will take off 2½ to 5 pounds a week, in proportion to your bodily activity and your adherence to the Dietene reducing schedule, this loss of weight being deemed the proper amount by nutritionists—2½ to 3 pounds a week for regular, extended weight reduction, and 5 pounds a week for initial and rapid reduction. Rapid reduction over a long period is not recommended. What Is The Dietene Reducing Program? A Dietene breakfast and lunch, together with a full, regulation dinner in the evening. This will provide 1,000 to 1,200 calories a day, the correct number for reducing a moderately active person. Necessarily, a very active individual, who might require about 3,400 calories, may take not only more Dietene during the day, but more food at dinner time. Additional servings of Dietene will not materially retard weight reduction * * * Does Dietene Satisfy Hunger and Why? Yes, since it has been specifically prepared and assembled to provide relatively slow digestion, thus largely eliminating the gnawing, hungry feeling so often present in reducing routines. Quite as important is the fact that after a few days' use of Dietene, due to its concentrated form, the stomach will have been appreciably reduced in size. This will disperse the desire for the larger amounts of food to which the stomach has been accustomed. * * * [Table headed "Weights According To Height."] Is There Any Magic Road To Slimness? Science prescribes but one way. No magic is involved. The right method is through a sound reducing diet. * * * Are There Any Food Hints That Make Reducing Easier? Yes, here are a few good ones, and they are rules of health as well: * * * Replace usual breakfast and lunch with Dietene—or lunch only if slow reduction of weight is desired. If you are more than moderately active, help yourself to additional servings of Dietene between meals. Dietene is nothing more or less than a scientifically assembled healthful pure food in concentrated form properly proportioned to provide the nutrients needed in a reducing diet. * * * By dieting on Dietene as directed, there will be a sufficient shortage of fat-forming food elements so that the weight can be successfully and comfortably reduced * * * As Dietene adds less than 300 calories per day to those supplied by the main, regular meal advised and as it is accepted that an average man of sedentary habits or a moderately active woman requires about 2,400 calories per day to maintain weight, the reason for loss of weight is readily apparent. Its high percentage of the most valuable and essential food elements makes it unusually desirable as a safe reducing-diet food. * * * Dietene, which is concentrated, contains three to four times the vitamins and minerals found in regular reducing bulk-foods."

Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Front Label, on some of the packages) "Protects Health"; (back label, on all of the packages) "Its superior proteins (derived from dairy and vegetable sources), mineral salts and vitamins, fully protects health while reducing"; (circular, on all packages) "Protects Health * * * A safe low-calorie diet must also provide the full quota of vitamins, since they, with the minerals, are the food essentials which regulate and preserve health. The proteins found in Dietene are largely from dairy and vegetable sources—an important factor—since they are the alkaline-reaction type which guard against the dangerous acidosis so commonly resulting from improper, haphazard, or fad reducing diets. * * * Why So Much Emphasis on Normal Weight And Is There An Accepted Standard? Where there is overweight, far more than a slim and sparkling figure is at stake, important and advantageous as that is. Life Insurance Associations, after prolonged and well qualified research, declare with definite finality, that the people who live the longest, stay the youngest, get the most out of life, and look the best, are they who as a group, more or less closely maintain the weight which for them was normal at the age of thirty. * * * Authorities on metabolism tell us that fats cannot burn properly in the absence of the right amounts of starches and sugars. Without them a dangerous acidosis may result. The Dietene reducing program provides sufficient starches and sugars, by including a regular evening meal with servings of fruits, which contain natural sugars, and a variety of starches from the usual sources. How Is Overweight Acquired? * * * In exceptional cases, over-weight results from functional disorders—health disturbances of some kind—such as gland irregularity, and all such cases, of course, demand medical attention and a reducing program approved by a trust-worthy physician, who will appreciate the opportunity of appraising the Dietene literature and the Dietene itself. If you are overweight, but otherwise enjoy good health, Dietene offers a simple, healthful, and especially practical way in which to reduce. * * * Dietene is particularly high in the protective * * * proteins."

On November 1, 1934, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24070. Misbranding of Saratoga Ointment. U. S. v. 2,791 Boxes of Saratoga Ointment. Decree of condemnation entered with provision for release under bond for relabeling. (F. & D. no. 33250. Sample no. 4304-B.)

This case involved a drug preparation which was misbranded because of unwarranted curative, therapeutic, and antiseptic claims appearing in the labeling.

On August 17, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,791 boxes of Saratoga Ointment at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about July 7, 1934, by the G. F. Harvey Co., from Saratoga Springs, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of zinc oxide, boric acid, and a small proportion of eucalyptol, incorporated in petrolatum. Bacteriological examination showed that the article was devoid of antiseptic properties.

The article was alleged to be misbranded in that the following statement regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Tin box) "A Healing * * * Ointment"; (circular) "An ideal dressing of exceptional merit in the treatment of * * * Eczema, Hemorrhoids, * * * etc. Mothers have found this ointment safe and eminently satisfactory in baby rash and other skin ailments. The analgesic properties of Saratoga Ointment tend to afford quick and grateful relief from painful open lesions * * * there is also an astringent and detergent action that is of benefit in treating ulcers with a free discharge. * * * Applied immediately; quick clean healing begins and almost invariably no scar is left. * * * prevents infection and wards off scar. * * * valuable in * * * Abscesses, Bedsores, * * * aching * * * feet, Eczema, Rashes, Pimples, Hemorrhoids, * * * Nasal Catarrh, * * * inflamed nostrils * * * and Ulcers."